

1 THE HONORABLE RICARDO MARTINEZ

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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 KENNETH FLEMING, JOHN DOE, R.K., and T.D.,  
10 Plaintiffs,

11 v.

12 THE CORPORATION OF THE PRESIDENT OF  
13 THE CHURCH OF JESUS CHRIST OF LATTER-  
14 DAY SAINTS, a Utah corporation sole, a/d/a  
15 "MORMON CHURCH"; LDS SOCIAL SERVICES  
16 a/d/a LDA FAMILY SERVICES, a Utah corporation,  
17 Defendants.

**NO. C04-2338 RSM**

**DECLARATION OF MICHAEL T.  
PFAU IN SUPPORT OF MOTION FOR  
APPOINTMENT OF LITIGATION  
GUARDIAN AD LITEM**

**NOTE ON MOTION CALENDAR:  
FRIDAY, MAY 5, 2006**

18 I, MICHAEL T. PFAU, being first duly sworn on oath, deposes and says.

19 1. I am one of the attorneys for the plaintiffs in this action; I make this declaration  
20 based upon my own personal knowledge.

21 2. Plaintiff John Doe recently settled his claims in this matter for a confidential  
22 amount.

23 3. Plaintiff John Doe is currently incarcerated in a Washington State Department  
24 of Corrections facility and his sentence is scheduled to end in October of 2006.

25 4. Plaintiff John Doe has a history of drug addiction.

26 PFAU DECL. IN SUPP. OF APPTMNT. OF LITIGATION GUARDIAN AD LITEM- 1  
(C04-2338 RSM)  
161813

LAW OFFICES  
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6. Andrew Benjamin has informed my office that he would be willing to act as a Litigation Guardian ad Litem for John Doe.

6. Andrew Benjamin has informed my office that he would be willing to act as a Litigation Guardian ad Litem for John Doe.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED at Seattle, Washington, this 9 day of April, 2006.

MICHAEL T. PFAU

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on April 19, 2006, I electronically filed the foregoing

**DECLARATION OF MICHAEL T. PFAU IN SUPPORT OF MOTION FOR  
APPOINTMENT OF LITIGATION GUARDIAN AD LITEM** with the Clerk of the Court  
using the CM/ECF system which will send notification of such filing to the following:

Thomas D. Frey and  
Marcus Nash  
STAFFORD FREY COOPER  
601 Union Street, Suite 3100  
Seattle, WA 98101-1374

DATED this 19<sup>th</sup> day of April, 2006.

/s/ Tanya Garbell  
Assistant to Michael T. Pfau,